

Manifest Regulatory Workshop

California's Implementation of Federal Manifest Regulations

Effective September 5, 2006



Department of Toxic Substances Control

Regulatory Workshops
March 13, 2006 in Sacramento
March 15, 2006 in Cypress



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Workshop Agenda


- Introductions
- Workshop Goals
- Overview of New Manifest Rule
- Impact on Generators
- Break
- Impact on Transporters
- Break
- Impact on Treatment Storage and Disposal Facilities
- Break
- Implementation and Outreach



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Workshop Goals

- Identify the changes and learn from you
- Identify any fatal flaws
- Identify specific regulations that should be modified
- Identify type of Outreach to "best" serve the regulated community
- Identify how to help businesses comply with changes



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Manifest Regulatory Workshop

Overview

- Background
 - Manifest Uses and Current Barriers
- New Federal Regulations
 - New Manifest
 - Instructions
- California's Draft Regulations
 - Key Differences



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Timeline



- | | |
|----------------------|--------------------|
| • Workshop (s) | March 13 and 15 |
| • Comments due | March 31 |
| • Revise Regulations | April 1 - April 30 |
| • Adopt Regulations | May – June |
| • Outreach | March - October |
| • Manifest Change | September 5 |



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Manifest Uses

- **Cradle-to-Grave Tracking:** Documents shipments of hazardous waste from Cradle to Grave (generator to designated facility e.g. TSDFs)
- **U.S. DOT Shipping Paper:** Satisfies U.S. DOT shipping requirements
- **Emergencies:** Provides emergency responders and CHP critical shipment information on waste, quantities, and contact numbers
- **Tracking/Revenue:** Enables tracking and billing for waste generation, transportation, and disposal
- **Enforcement/Compliance:** Provides third party confirmation manifest is accurate and received
- **Liability:** Identifies Potential Responsible parties



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Scope

- US EPA:
 - 139,000 RCRA businesses
 - 2 to 5 million manifests/year nationally.
- California:
 - 120,000+ total businesses in CA alone
 - 500,000 manifests annually (including 150,000 + consolidated manifests).



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Problems with Current Manifest System

- Each state could print own version. Interstate companies needed many versions.
- Each state could require different information to be added to existing federal manifest fields
- No easy reference for state information
- Shows generator mailing address, not of the site
- No box for required emergency phone number
- No consistent national system for handling rejected loads or containers with residues (non-empty vessels or vehicles)



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New Uniform Hazardous Waste Manifest

- New manifest form, continuation sheet, and instructions.
- State versions pre-empted.
- Manifest Tracking Number expanded to 12 digits, with three letters as suffix (now 8)
- New entries for discrepancies, load rejections, and international shipments

Takes effect on September 5, 2006



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New Federal Regulations Benefits

- Manifest uniformity saves businesses buying different states' manifest forms and maintaining duplicate data systems
- For businesses shipping to many states, training costs would decrease, although this is offset for learning new regulations
- Different states cannot add information to manifests



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Old Manifest

New Manifest

- Deletes states' gray area
- Adds
 - Gen. site address
 - 24 hour Emergency Phone
 - Space for 6 waste codes per line
 - Discrepancy Blocks
 - International Blocks
 - Alternate facility

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New Federal Regulations

- States cannot change the form, continuation sheet, instructions, or some of the regulations or add information
- Waste Minimization Certification in regulation not on manifest form
- Variability allowed to states in adopting manifest rules
 - State can require submission of manifest copies
 - State can impose manifests on RCRA-exempt activities and use state waste codes
 - State can modify rejected waste rules



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New Manifest

- Adds Generator Site Address and Emergency 24 Hour Phone Number
- Waste Codes have six boxes for 3 sets of codes
 - RCRA/Federal code(s), if applicable
 - Destination state code(s), if required
 - Generator state code(s), if required
- Categorizes Discrepancies with Five Boxes
 - Quantity, Type, Residue, Partial or Full Rejection
 - Links new and old manifest tracking numbers for rejections or container residues



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New Manifest Continued

- Adds "Hopper or Gondola Car" as container type
- Prohibits use of fractions for waste quantity
- Expands International Shipments Field
- Increases and Standardizes Handling Codes (from 10 to 24)
- New Line for Alternate Facility or Generator to sign if receiving rejected waste or container residues



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Who Is Responsible for Completing the Manifest?

- Generators
- Transporters
- Designated Facility (TSDF)
 - All parties must:
 - Sign and date the manifest
 - Check for accuracy and consistency in volumes and/or quantities
 - Verify names are legible, printed or typed, next to the signature



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New Manifest Pages and Distribution

- Page 1: "Designated Facility to Destination State (if required)"
- Page 2: "Designated Facility to Generator State (if required)" *This is a new page!*
- Page 3: "Designated Facility to Generator Copy"
- Page 4: "Designated Facility Copy"
- Page 5: "Transporter" copy
- Page 6: "Generator's Initial Copy" (bottom copy)

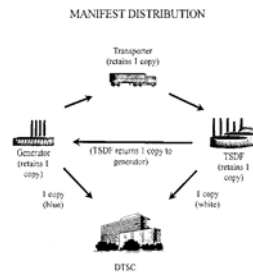
What's Missing?



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Recap – Submission of Manifests

- Generators must submit legible photocopies
- Out-of-state Designated facilities (TSDFs) must submit manifests to DTSC, if the generator is from CA
- CA TSDFs must submit manifests to other states, if requested by that state



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Costs of Change

- Generators will need to photocopy manifest -- no dedicated page
- No More Color Coding for Manifest Pages.
- Change manifest purchasing. The State of California will not sell them for use after 9/4/06
- Change in manifest fields and instructions requires staff training, and computer changes for systems that print manifests or track manifest information
- Change load rejection rules and way of handling container residues, mostly bulk



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Purchasing Manifests

- The names of U.S. EPA Registered Printers will be posted at www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/index.htm
- A link to this site is posted on DTSC's web page www.dtsc.ca.gov under Law, Regs, Policies



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Modifications of Federal Rules in California

State regulations must be revised where state statute and existing regulations are more restrictive, specific, or stringent than new federal rules

- Load Rejection (HSC 25160.4 and 25160.6)
- Exempt Transfer Facilities (HSC 25123.3)
- Holding Times Outside Authorized Units at TSDFs (HSC 25200.19)
- Definition of Empty Containers (22 CCR 66261.7)
- Consolidated Transporters (HSC 25160.2)



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State Regulations

- Add Definitions
- Redefine "Bulk Container" from greater than 110 to greater than 119 gallons
- No changes on who must manifest and when

While State Instructions cannot be printed on the manifest, the regulations will be summarized and printed as guidance



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CA Proposed Regulations

- Creates a Report Repository for existing reports
- Directs import/export notices to Glendale office

TSDFs Must :

- Confirm that "container" is empty to federal and CA empty definitions
- Comply with permit conditions regardless of the 60 days that is allowed by U.S. EPA to hold rejected wastes or container residues
- Not hold wastes outside of an authorized unit for longer than 10 days



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OVERVIEW CITATIONS

- **Chapter 10: Definitions**
 - §66260.10 Definitions
- **Chapter 12**
 - **Appendix to Chapter 12**
 - Manifest and Instructions and Continuation Sheet and Instructions



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Impact on Generators

New Form Requirements

- Add Generator site address to mailing address
- Add "X" in item "9a" if waste listed in "9b" is regulated as Hazardous Material by U.S. DOT
- Use up to six fields for waste codes
- No fractions in waste quantity (e.g. 1.5 tons)
- Use pounds, liters, or gallons if small quantity
- All notes, profiles, etc. must fit in Item 14



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Impact on Generators

For Rejected Loads:

- Be prepared to name alternate or arrange for return of rejected waste.

When Returned, Generator assumes TSDf manifest role:

- Sign and date manifest when received and provide signed manifest copy to transporter.
- Note any discrepancies on manifest
- Submit Page 1 to DTSC within 30 days
- Submit Page 2 to TSDf who is the "offeror" within 30 days
- Retain facility manifest copy for 3 years
- Get rid of rejected waste in 90 days



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Mailing Addresses

Generator must:

For ALL shipments mail legible photocopy to:

DTSC, P.O. Box 400
Sacramento, CA 95812-0400

For rejected shipments mail either top or second copy to:

DTSC, P.O. Box 3000
Sacramento, CA 95812-3000



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Chapter 12 Generators CITATIONS

- §66262.20. General Requirements.
- §66262.21. Acquisition of Manifests.
- §66262.22. Number of Copies.
- §66262.23. Use of the Manifest.
- §66262.27. Waste Minimization Certification.
- §66262.32. Marking.
- §66262.33. Placarding.
- §66262.34. Accumulation Time.
- §66262.53. Notification of Intent to Export.
- §66262.54. Special Manifest Requirements.
- §66262.56. Annual Reports.
- §66262.60. Imports.

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Comments / Questions

- Identify any fatal flaws in the regulations
- Identify specific regulations that should be modified
- Identify the kind of outreach to the regulated community that is needed to implement this “turn-on-a-dime” change on September 5, 2006
- Identify other strategies that DTSC could do to assist the regulated community comply with these regulations

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Impact on Transporters

New Data Fields:

- Form deletes space for phone number. If critical to generator, add in Item 14
- For exports, must sign new International Item 16 and indicate port of exit and date leaving U.S.
- Instructions state each transporter signs a manifest once, not once by each driver
- If transport in bulk, new container residue may change practices (TSDf now determines if empty)

Transporters critical to help customers use the correct manifest version and use it correctly

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Impact on Transporters

- If shipment is rejected while transporter is at TSDF:
 - For full load rejection that will be taken back by the transporter a copy of the original signed and dated manifest with identification of the discrepancy must be obtained from TSDF
 - For partial rejection or returned container residues, the transporter must obtain a signed copy of the original manifest showing the number of the new manifest that will accompany the shipment with the TSDF's identification of the discrepancy
 - If the original manifest is not used, the transporter must obtain a new one from the TSDF



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Consolidated Transporters

- Federal law does not provide for consolidated shipments from multiple generators for RCRA regulated wastes
- Health and Safety Code 25160.6 (e) makes the consolidated transporter responsible for a rejected load and provides for it to be held at their facility no more than 10 days. For clarify, this requirement is added to the regulations.



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Chapter 13 Transporters CITATIONS

- §66263.10. Applicability.
- §66263.18. Transfer Facility Exemption.
- §66263.20. Manifest Procedures for the Transporter.
- §66263.21. Transporter Compliance with the Manifest.
- §66263.24. Load Rejection and Consolidated Transporters.



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Impact on TSDFs

- Must sign, and date ALL manifests, even if rejected
- Must identify discrepancy type in more detail (item 18a)
- Must use new handling methods that reflect the handling method at THAT facility (item 19)
- Less room for profiles, addresses or notes
- Become “offerer” on rejected manifests



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Impact on TSDFs

- Full Rejection:
 - If transporter has not left, then reuse original manifest and complete alternate facility information in item 18b, with either the generator’s information or, at the generator’s request, the name of the alternate facility
 - If transporter has left, MUST prepare new manifest.



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Impact on TSDFs

Must prepare a NEW manifest for:

- Partial Rejection:
 - At generators request, prepare the new manifest with designated facility identified by the generator, OR
 - Return wastes to the generator with TSDF as offeror
- Container Residues (i.e. rail car heels or tank car heels):
 - Determine if container is federal or state empty
 - If not empty, it is hazardous waste and must be manifest to generator or alternate facility.
 - TSDF checks box in Item 18a and completes Item 18b.



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Mailing Addresses

TSDFs must:

For ALL shipments received, mail either top (in CA) or second copy (out of state) to:

DTSC, P.O. Box 3000
Sacramento, CA 95812-3000

For Rejected Shipments shipped back, mail legible photocopy to:

DTSC, P.O. Box 400
Sacramento, CA 95812-0400



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FACILITIES CITATIONS

Chapter 14 Treatment, Storage, and Disposal Facilities

- §66264.70. Applicability.
- §66264.71. Use of Manifest System.
- §66264.72. Manifest Discrepancies.
- §66264.76. Unmanifested Waste Report.
- §66264.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.

Chapter 15: Interim Status Standards ...
(same as in Chapter 14, citations change to 66265.xx))



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Comments / Questions

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Implementation

Remember the Numbers:

- 120,000 + generators
- 800 transporters
- 300 TSDFs in CA
- TSDFs out of state
- 500+ state and CUPA regulators



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Potential Implementation Issues

- Uncertainty with private companies printing and selling manifests; price and availability depend on the market
 - None registered to date
 - Four applied as of 1/1/06
 - www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/printers.htm
- Hazardous Waste container marking (yellow label) also is changing 22 CCR 66262.32
 - Adds Generator EPA ID number and changes manifest “document” number to manifest “tracking” number
 - Container volume from 110 to 119 gallons



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Implementation And Outreach

- At adoption, mail California Manifest Instructions, fact sheet, and web addresses to handlers with active or manifesting ID numbers
- Expand Manifest/EPA ID numbers Web Site
- Co-sponsor training sessions with California Waste Association and other groups
- Mail Letters to Transporters, in-state and out-of-state TSDFs doing business with CA generators
- Train DTSC and CUPA regulators, including Train-the Trainer instruction for CUPAs
- Conduct training sessions, as resources allow



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DTSC Invites Stakeholders Comments On

- Needed edits to the regulation text
- Suggestions to “better” help the regulated community understand and comply
- How can DTSC foster a smooth transition for all stakeholders?
- How to help businesses comply with changes?



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Comments are Due on March 31, 2006

Please submit them by email to:

CAManRegs@dtsc.ca.gov

or written comments may be mailed to:

Department of Toxic Substances Control

Attn: Manifest Regulations

HWMP, PSB, Floor 11

P.O. Box 806

Sacramento, CA 95812-0806



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For More Information

- DTSC Manifest Regulation web page at:
www.dtsc.ca.gov/LawsRegsPolicies/Regs/Manifest_Changes_regs.cfm
- Sign Up for the DTSC manifest ListServ at:
www.calepa.ca.gov/listservs/DTSC/
- Call 1-800-72-TOXIC; talk to a Public and Business Liaison.
- E-mail CaManRegs@dtsc.ca.gov
- Federal Web Site
<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/index.htm>



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